

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: | Steven E. Walak |
| Application No.: | 09/702226 |
| Filed: | October 31, 2000 |
| For: | Combination Self-Expandable, Balloon-Expandable Endoluminal Device |
| Examiner: | William H. Matthews |
| Group Art Unit: | 3738 |
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FACSIMILE TRANSMITTAL OF NOTES
FOR EXAMINER'S AMENDMENT

Howie:

Following please find notes pertaining to the Examiner's Amendment. If you would like to discuss this case, please contact me at your earliest convenience.

Specification Amendment for paragraph beginning at page 16, line 18:

Referring now to Fig. 7F, to form the stent or vena cava filter, the resulting composite sandwich 750 (after rolling) may then be cut by etching or cutting as is known in the art, in a pattern 784 corresponding to the desired architecture of the device, such as the zig-zag architecture shown in Fig. 7F. The pattern may preferably be aligned so that the features of the architecture desired to be plastically deformable, such as every other upwardly-pointing apex 786, as shown in Fig. 7F, are aligned with plastically deformable stripes 756a-d within composite sheet 750. After cutting, the resulting flat pattern 784 may comprise an apertured wall such as a wall having a plurality of apertures or cells 790. The apertures or cells 790 extend completely through the wall. After cutting, the resulting flat pattern 784 may then be rolled into a tubular shape and ends 788a, 788b, and 788c welded together as 788a-788a, 788b-788b, and 788c-788c to form the desired device. In the alternative, the tubular composite shown in Figs. 712 or 712 may be cut in their tubular form to create the device. Although shown in Fig. 7F with the stripes oriented longitudinally with respect to the cylindrical orientation of the device, the stripes may also be transverse as shown in Figs. 71) and 7E.

Claim amendments:

Claim 1. An endoluminal device comprising:

a framework having a ~~constant thickness~~ and a central longitudinal axis, the framework forming a wall having a plurality of cells, the wall having a constant thickness, the cells extending through the thickness of the wall, the framework comprising a first section having a thickness and a second section having a thickness, the first section consisting of a superelastic material, the second section comprising a combination of a first portion of superelastic material and a second portion of plastically deformable material, the second portion being a constant distance from said central longitudinal axis along the length of the second section, the thickness of the first section being equal to the thickness of the second section.

Claim 57. An endoluminal device comprising:

a framework having a central longitudinal axis, the framework forming an apertured wall, the apertured wall having a

constant thickness, the apertures extending through the thickness of the wall, the framework comprising a first section having a thickness and a second section having a thickness, the first section consisting of a superelastic material, the second section comprising a combination of a first portion of superelastic material and a second portion of plastically deformable material, the second portion extending the length of the framework and being a constant distance from said central longitudinal axis along its length, the length of the second section, the thickness of the first section being equal to the thickness of the second section.

Withdrawn claims:

Figure 7E shows an embodiment that can meet claim 1 and claims 25 - 28, 31 and 32. Claim 25 would require an amendment to be consistent with the current language of claim 1.

Claim 25. (Withdrawn) The device of claim 1, wherein said ~~at least one superelastic~~ first section comprises a first tubular section and said ~~second portion~~ at least one plastically deformable section comprises a second tubular section.

Claim 26. (Withdrawn) The device of claim 25, wherein the first tubular section consists essentially of a superelastic material alone and the second tubular section consists essentially of plastically deformable material alone.

Claim 27. (Withdrawn) The device of claim 25, wherein the second tubular section comprises a combination of superelastic material and plastically deformable material having a first ratio of plastically deformable material to superelastic material.

Claim 28. (Withdrawn) The device of claim 27, wherein the device comprises two opposite end sections having a middle section therebetween, the middle section comprising the first tubular section, and the two opposite ends each comprising second tubular sections.

Claim 31. (Withdrawn) The device of claim 25 further comprising a third tubular section comprising a superelastic section, the second tubular section disposed longitudinally between the first tubular section and the third tubular section, the first tubular section having a first fully-self-expanded diameter and the second tubular section having a second fully-self-expanded diameter.

Claim 32. (Withdrawn) The device of claim 31, wherein the first fully-self-expanded diameter is less than the second fully-self-expanded diameter, and the second tubular section has a fully-forceably-expanded diameter at least as great as said second fully-self-expanded diameter.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUS

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